



***MINUTES OF THE ONE-HUNDRED-AND-SEVENTY-FIFTH
MEETING OF THE MERIT BOARD – January 20, 2010***

***State Universities Civil Service System Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
Human Resources Building, Room 201D, 2nd Floor
715 South Wood Street
Chicago, Illinois 60612
&
(Video Conference)
Western Illinois University
Horrabin Hall, Room 60
1 University Circle
Macomb, Illinois 61455
&
(Video Conference)
Southern Illinois University Carbondale
Morris Library
Conference Room, 1st Floor
605 Agricultural Drive
Carbondale, Illinois 62901***

Vice Chair Maitland called the meeting to order at 10:08 a.m.

Members present at the primary meeting location were: Joanne E. Maitland, Vice Chair, representing Illinois State University; and Robert D. Webb, representing Eastern Illinois University.

Members present at the Chicago videoconference location were: Kristi DeLaurentiis, representing Governors State University; Karan Hasara, representing the University of Illinois;

James D. Montgomery, representing the University of Illinois; Lawrence Oliver II, representing the University of Illinois; and Richard L. Tolliver, representing Chicago State University.

Members present by audio conference were: Grace Dawson, representing Northeastern Illinois University; and Barbara Vella, representing Northern Illinois University.

Members absent were: Donald “Bill” Griffin, representing Western Illinois University; and John Simmons, representing Southern Illinois University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Mary C. Follmer, Assistant Director, Legal Services; Teresa Rademacher, Secretary for the Merit Board; and Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. Various other university employees and University System Office staff were also in attendance.

Consideration of participation by other Merit Board Members, not physically present at meeting site

Two board members had requested to participate by audio conference prior to the meeting due to family or other emergency. Ms. DeLaurentiis moved to approve that Dr. Dawson and Ms. Vella be allowed to participate by audio in accordance with the Open Meeting Act requirements. Rev. Tolliver seconded Ms. DeLaurentiis’ motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Executive Session

Vice Chair Maitland explained that the purpose of this agenda item was to review closed session minutes from the August 19, 2009 board meeting. Ms. DeLaurentiis made a motion to go into Executive Session at 10:10 a.m. Rev. Tolliver seconded Ms. DeLaurentiis’ motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Dr. Webb made a motion to reopen the meeting at 10:13 a.m. Mr. Montgomery seconded Dr Webb’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Vice Chair Maitland reported that no action was taken during the closed session.

Merit Board Reorganization

The Board conducted reorganization activities, electing its officers for calendar year 2010. Ms. DeLaurentiis nominated Mrs. Maitland for Chair. Ms. Vella seconded Ms. DeLaurentiis' nomination. Dr. Webb made a motion to close the nominations. Rev. Tolliver seconded the motion. Mrs. Maitland was elected Chair by acclamation.

Dr. Dawson nominated Mr. Montgomery for Vice Chair. Rev. Tolliver seconded Dr. Dawson's motion. Dr. Dawson made a motion to close the nominations. Ms. DeLaurentiis seconded the motion. Mr. Montgomery was elected Vice Chair by acclamation.

Two additional members were elected to the Executive Committee – Rev. Tolliver nominated Ms. DeLaurentiis. Mr. Oliver seconded Rev. Tolliver's motion. Ms. Hasara nominated Mr. Simmons. Mr. Montgomery seconded Ms. Hasara's motion. Dr. Dawson made a motion to close the nominations. Mr. Montgomery seconded the motion. Ms. DeLaurentiis and Mr. Simmons were elected to the Executive Committee by acclamation.

The following officers for calendar year 2010 are:

- *Chair: Joanne Maitland*
- *Vice Chair: James Montgomery*
- *Executive Committee: Kristi DeLaurentiis and John Simmons*

Ms. DeLaurentiis made a motion to reappoint Teresa Rademacher as Secretary for the Merit Board. Mr. Dawson seconded Ms. DeLaurentiis' motion. The motion carried and Teresa Rademacher was appointed by acclamation in accordance with the Merit Board Bylaws.

Public Comments

Chair Maitland informed the committee that there had been three requests to speak before the Merit Board. Mr. Montgomery made a motion to allow all three persons to speak. Ms. DeLaurentiis seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Maureen Parks, Assistant Vice President for University Human Resources, University of Illinois, talked about the University of Illinois budget shortfall and the crises the university is facing. Because of these economic times the university is faced with the need to implement a furlough program in order to recover funds to cover expenses through the end of the fiscal year. Overall Ms. Parks indicated support for the proposed furlough rules.

Jeff Bigelow, Regional Director, AFSCME, presented a revised draft of section 250.110(b)(5)(F) that included stronger language requiring employers to bargain before implementing furloughs for represented employees. Mr. Bigelow expressed AFSCME's concern that the universities would unilateral implement furloughs without bargaining with the unions.

Barney Bryson, Chair, State Universities Civil Service Advisory Committee, expressed concern for the economic impact on the employees and indicated that the Employee Advisory Committee voted at the January 2010 committee meeting to support Draft 2, as presented to the Merit Board, of the proposed furlough rule.

Consideration of the Minutes of the 174th Meeting of the Merit Board, November 18, 2009

The minutes of the 174th meeting of the Merit Board, November 18, 2009, had been transmitted to members of the Merit Board with the agenda materials.

Mr. Montgomery moved to approve the minutes of the November 18, 2009 meeting. Ms. Hasara seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Closed Minutes of the 173rd Meeting of the Merit Board, August 19, 2009

The closed minutes of the 173rd meeting of the Merit Board, August 19, 2009, had been transmitted to members of the Merit Board under separate cover.

Ds. Dawson moved to approve and release the closed minutes of the August 19, 2009 meeting. Mr. Montgomery seconded Dr. Dawson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration to destroy the recording of the Executive Session of the 168th Meeting of the Merit Board, May 21, 2008

Ms. Follmer explained that in accordance with the Open Meetings Act, recordings of closed sessions must be kept for 18 months from the date of the recording. The Closed Session minutes of the 168th meeting of the Merit Board, May 21, 2008, had been approved and released by the Merit Board at the February 18, 2009 meeting of the Board. Based on these facts, the recording could be destroyed.

Ms. DeLaurentiis moved to destroy the Closed Session recording of the 168th meeting of the Merit Board, May 21, 2008. Mr. Montgomery seconded Ms. DeLaurentiis' motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Update and action on proposed rule changes to section 250.110, Separations and Demotions and section 250.120, Seniority, of the Illinois Administrative Code, regarding Furlough Programs

Mr. Morelock updated the board members on what had transpired since the last Merit Board meeting. On December 4, 2009 the proposed furlough rules, section 250.110, Separations and Demotions and section 250.120, Seniority, were published in Illinois Register to begin the First Public Notice Period. On December 9, 2009, SEIU, Local 73, filed an objection to the proposed rules and requested that a public hearing be held. A public hearing was held at the University System office on January 5, 2010. An audio of the Public Hearing was included in the agenda material. During the First Public Notice Period, the University System office received several comments from various groups. All comments were distributed to the board members.

In response to the any comments received, the University System staff prepared a Draft 2 of the proposed rules which was included in the agenda materials. Draft 1 was the original version of the proposed rule that was published in the Illinois Register. Draft 2 had several revisions designed to further clarify those positions that could be excluded from participating in furlough programs. Mr. Morelock further stated that the University System staff was recommending that Draft 2 be approved for the Second Notice Period. The next Joint Committee on Administrative Rules hearing is scheduled for February 9, 2010 and the final proposed rule is expected to be on the agenda.

After a general discussion, Ms. Vella moved to approve Draft 2 to be submitted for the Second Notice Period. Ms. DeLaurentiis seconded Ms. Vella's motion.

A roll call vote was taken and the motion was approved with the following vote:

Ms. Vella	Aye
Dr. Webb	Aye
Dr. Dawson	Aye
Ms. DeLaurentiis.....	Aye
Dr. Griffin.....	Absent
Ms. Hasara.....	Aye
Chair Maitland.....	Aye
Mr. Montgomery.....	Aye
Mr. Oliver	Aye
Mr. Simmons	Absent
Rev. Tolliver	Aye

Report of the Executive Director

Executive Director Morelock provided an agency report which included the following items:

- updated the Merit Board on the current FY 2010 expenditures and obligations; staff is preparing ISL forms for FY 2011; Illinois Board of Higher Education FY 2011 budget recommendation included no increase for our agency
- informed the Merit Board that the Office of the Auditor General staff will be conducting a compliance audit of the agency on January 27 – 29, 2010 covering the period from July 1, 2007 – June 30, 2009 (FY 2008 and FY 2009)
- updated the Merit Board on the Audit Program with a copy of the audit schedule included in the agenda materials
- updated the Merit Board on the recent classification/examination changes
- informed the Merit Board of interagency activities with a list of University/Agency visits included in agenda materials

Ms. DeLaurentiis asked about the status of the office lease. Mr. Morelock informed the Merit Board that based on our interaction with the Department of Central Management Services (CMS), the agency was no longer looking into moving, but to renegotiate with our current landlord. Based on the current lease rates, the agency would be paying more for significantly less square footage should they pursue a new lease. The agency is working with CMS at this time to begin the lease renegotiations.

Report of the State Universities Civil Service Advisory Committee – Barney Bryson, Chair

The Merit Board heard a report from Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. The Committee last met on January 14 and 15, 2010 at the University of Illinois at Urbana-Champaign. Dr. Robert Easter, new Interim Chancellor at the University of Illinois at Urbana-Champaign, welcomed the members to the university. Mr. Bryson is encouraging the advisory committee members to get to know their Merit Board member.

Also, officers were elected for 2010, Paul Kruszynski, new Northeastern Illinois University member, was seated. The committee reviewed, discussed and took action authorizing their unanimous support Draft 2 of the proposed furlough rules.

Report of Legal Counsel – Mary Follmer

Mary Follmer, Assistant Director, Legal Services, updated the Merit Board on outstanding legal matters. Ms. Follmer stated that thus far during FY 2010, 32 Written Charges for Discharge have been served on employees by the various universities/agencies. Eight employees have requested hearings. Out of those eight requests, two employees withdrew the request before the hearing was held; one employer withdrew the charges before the hearing was held; two settlement agreements were made, one before the hearing and one during the hearing process; two employees resigned, one before the hearing and one after the hearing process; and one case is pending with a hearing scheduled for March 2010. Therefore, one discharge case may be on the May 2010 Merit Board agenda.

Additionally, there is one pending Administrative Review Case, Michael Rettig v. University Civil Service Merit Board et. al. Ms. Follmer updated the Merit Board on the case. The Office of the Attorney General (AG) is representing the agency and the Merit Board. The AG office filed a Motion to Dismiss and oral argument was heard on December 22, 2009. The court took the matter under advisement and set the case for ruling on February 23, 2010. Ms. Follmer will advise the Merit Board of the outcome of the February 23, 2010 ruling. The agency notified our current Errors and Omissions Insurance Policy of this case. If the Motion to Dismiss is denied, our insurance policy company will be representing this office instead of the Attorney General because Counts II and III could result in judgment for attorney fees.

Other Items as Presented

The next meeting of the Merit Board will be Wednesday, May 19, 2010. Mr. Montgomery made a motion to adjourn the meeting. Dr. Dawson seconded Mr. Montgomery's motion. A voice vote was taken and approved. The meeting adjourned at 11:34 a.m.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Joanne E. Maitland

Joanne E. Maitland, Chair

January 20, 2010

Date